

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

ROBERT E. BELUE, et al.,

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Plaintiffs,

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v.

**CIVIL ACTION NO.:
2:06-CV-1034-WKW**

**A. O. SMITH ELECTRICAL PRODUCTS,
COMPANY, et al.,**

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Defendants.

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**OBJECTION OF DEFENDANTS BONDEX INTERNATIONAL, INC.
AND GOULDS PUMPS, INC. TO PLAINTIFFS' MOTION TO STAY**

COME NOW Defendants, BONDEX INTERNATIONAL, INC. and GOULDS PUMPS, INC., (hereinafter “Defendants”) and object to Plaintiffs’ Motion to Stay this action pending a decision from the Judicial Panel on Multidistrict Litigation (“MDL”). As grounds for said objection, Defendants state that there are pending Motions to Dismiss involving important substantive issues of Alabama law, including Alabama’s unique statute of limitations as to asbestos claims. Defendants contend that those particular plaintiffs whose claims are time barred on the face of the Complaint should be dismissed before the claims of the remaining plaintiffs are transferred to the MDL. This Honorable Court is better positioned to “clean-up” and dispose of the time barred claims before any such transfer.

Additionally, the complaint lacks the basic pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Plaintiffs contend in their Motion to Stay that any further activity in this case should be conducted through the Multidistrict Litigation Court because of its “extensive experience and expertise in handling asbestos-related cases.” (Plaintiffs’ Motion to Stay, p.1).

Defendants contend that a court's assessment of whether a plaintiff has met the basic pleading requirements of Rule 8 does not require experience and expertise in asbestos-related cases. This Honorable Court is fully capable of assessing whether the Plaintiffs have met the Rule 8 requirements.

WHEREFORE, the premises considered, Defendants Bondex International, Inc. and Goulds Pumps, Inc. respectfully object to Plaintiffs' Motion to Stay and request this Honorable Court to set a hearing on the Defendants' pending Motions to Dismiss.

Respectfully submitted,

/s/ Timothy A. Clarke
F. GREY REDDITT (REDDF5142)
TIMOTHY A. CLARKE (CLART1440)
**Attorneys for Defendants Bondex
International, Inc. and Goulds Pumps, Inc.**

OF COUNSEL:

VICKERS, RIIS, MURRAY AND CURRAN, L.L.C.
P. O. Drawer 2568
Mobile, AL 36652-2568
Telephone: (251) 432-9772
Facsimile: (251) 432-9781
Email: gredditt@vickersriis.com
tclarke@vickersriis.com

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to counsel who are CM/ECF participants.

/s/ Timothy A. Clarke